



Federal Communications Commission
Washington, D.C. 20554

DA 10-1106

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Ms. Joslyn Read, Esq.
Vice President, Regulatory Affairs
SES Americom, Inc.
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Karis A. Hastings, Esq.
Hogan Lovells US LLP
Columbia Square
555 Thirteenth Street, N.W.
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Re: SES Americom, Inc., SAT-MOD-20100421-00081 (Call Sign: S2135)

Dear Mss. Read and Hastings:

This letter refers to the above-referenced application filed by SES Americom, Inc. (SES Americom). In this application, SES Americom seeks to modify its authorization to operate its in-orbit C and Ku-band AMC-4 space station. Specifically, SES Americom seeks to change the authorized location from the 101° W.L. orbital location to the 67° W.L. orbital location and to operate at the new location using the 11.7-12.2 GHz (space-to-Earth), 14.0-14.5GHz (Earth-to-space), 11.45-11.7 GHz (space-to-Earth), and 13.75-14.0 GHz (Earth-to-space) frequency bands. SES Americom also proposes to operate its telecommand carriers in the C-band at 6423.5 MHz, and its telemetry beacons in the Ku-band at 11.702 GHz and 12.198 GHz and in the C-band at 3700.5 MHz and 4199 MHz.¹ For the reason set forth below, we return the application as unacceptable for filing without prejudice to refiling.²

Section 25.112(a) of the Commission's rules provides that the Commission will return an application as unacceptable for filing if the application is defective with respect to completeness of answers or informational showings, is internally inconsistent, or does not substantially comply with the Commission's rules unless a waiver of the rules is requested.³

¹ With respect to the 3700.5 MHz and 4199.5 MHz telemetry beacons, SES indicates that it "may also operate" on these bands "provided that coordination of the beacons with adjacent operations can be completed." SAT-MOD-20100421-00081, Technical Narrative, page 2.

² If SES Americom refiles an application identical to the one dismissed, with the exception of supplying the corrected information, it need not pay an application fee. *See* 47 C.F.R. § 1.1111(d).

³ 47 C.F.R. § 25.112(a). In the *First Space Station Reform Order*, the Commission affirmed the policies embodied in this rule by continuing to require applications to be substantially complete when filed. *See*

In its application, SES Americom failed to demonstrate that its proposed C-band telecommand and telemetry operations at the 67° W.L. orbital location are compatible with the Commission's two-degree spacing environment. Specifically, Section 25.140(b)(2) of the Commission's rules requires applicants to submit an interference analysis showing the compatibility of its proposed system two degrees from any authorized space station.⁴ SES Americom's application failed to include a two-degree analysis with respect to its proposed C-band telecommand and telemetry operations. In its application, SES Americom contends that because it only seeks to utilize the C-band telecommand and telemetry carriers, and not the communications payload at the new location, a C-band interference analysis is unnecessary.⁵ That is incorrect. The Commission's rules require applicants to include, in their interference analyses, details of their proposed radio frequency (r.f.) carriers.⁶ The rule does not distinguish between r.f. carriers transmitting communications services and r.f. carriers transmitting telecommand and telemetry information. All r.f. carriers, regardless of purpose, have the potential to cause harmful interference to existing or proposed adjacent space stations. Thus, without an interference analysis regarding SES Americom's proposed telecommand and telemetry carriers, neither the Commission, nor other parties, can determine whether SES Americom's operations create the potential for interference to existing or proposed adjacent space stations. Consequently, SES Americom's application is incomplete and we return the application as defective without prejudice to refileing.

In addition, we note that the Star One C1 space station, licensed by Brazil, is authorized to operate in the C-band at the 65° W.L. orbital location and that the Star One B1 (Brasilsat B1) space station, also licensed by Brazil, is authorized to operate at the 67.9° W.L. orbital location.⁷ Star One C1 is on the Commission's Permitted Space Station List⁸ and Star One B1 has a pending application for market access. If SES elects to refile its application, a discussion of the effect of AMC-4's telecommand carrier and telemetry beacon operations on the C-band operations of these space stations would facilitate our review. SES Americom should also address whether AMC-4's proposed operations are compliant with Section 25.202(g) of the Commission's rules. This rule

Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order and Further Notice of Proposed Rulemaking*, IB Docket No. 02-34, 18 FCC Rcd 10760, 10852 (2003).

⁴ 47 C.F.R. § 25.140(b)(2); International Bureau, Satellite Division Information: Clarification of 47 C.F.R. § 25.140(b)(2), Space Station Application Interference Analysis, *Public Notice*, 19 FCC Rcd 10652 (Int'l Bur. 2004); International Bureau, Satellite Division Information: Clarification of 47 C.F.R. § 25.140(b)(2), Space Station Application Interference Analysis, *Public Notice*, 18 FCC Rcd 25099 (Int'l Bur. 2003).

⁵ Technical Narrative, Annex 2, page 33 ("It should be noted that except for TT&C carriers, SES World Skies does not propose to operate the C-band communication payload of AMC-4 at 67° W.L. Accordingly, no C-band analysis is included in this document.").

⁶ 47 C.F.R. § 25.140(b)(2).

⁷ Star One's application to grant market access to the U.S. for Star One C1 (IBFS File No. SAT-PPL-20050706-00143, granted on March 29, 2006 for the 14.000-14.500 GHz, 11.7-12.200 GHz, 5925-6425 MHz and 3700-4200 MHz frequency bands); Star One's application to grant market access to the U.S. for Star One B1 at the 68° W.L. orbital location (IBFS File No. SAT-PPL-20081205-00225, Call Sign S2784, proposing to use the 5925-6425 MHz and 3700-4200 MHz frequency bands).

⁸ The Permitted List denotes C- and Ku-bands satellites with which U.S. earth stations are permitted to communicate, without additional Commission action, subject to certain technical requirements and appropriate conditions. Amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Space Stations to Provide Domestic and International Satellite Service in the United States, *First Order on Reconsideration*, IB Docket No. 96-111, 15 FCC Rcd 7207 (1999).

limits space station operators to telemetry, tracking and telecommand (TT&C) functions in the same frequency bands as the space station's primary service operations.⁹ The purpose of this rule is to simplify the coordination process among space stations at adjacent orbit locations, to provide an incentive for a space station operator to maximize the efficiency of its system's TT&C operations, and to minimize the constraints placed on other space station operations.¹⁰ Finally, in 2004, SES Americom reported solar array circuit failures that have affected the total power available to the AMC-4 spacecraft.¹¹ In its refiled application, to facilitate our review, SES Americom should also provide current information regarding solar array status of the spacecraft.

Accordingly, pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1) and Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, we return SES Americom's application as unacceptable for filing without prejudice to refiling.

Sincerely,

Robert G. Nelson
Chief, Satellite Division
International Bureau

⁹ 47 C.F.R. § 25.202(g).

¹⁰ Amendment of the Commission's Rules with Regard to the 3650-3700 MHz Government Transfer Band, *First Report and Order and Second Notice of Proposed Rulemaking*, 15 FCC Rcd 20488, 20538 (2000); and Intelsat North America, LLC, *Order and Authorization*, 24 FCC Rcd. 7058, 7063 (2009).

¹¹ IBFS File No.SAT-RPL-20100120-00014, Narrative at 3.